

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Cawthorne et al.

Application No.: 09/423,683

Group Art Unit: 1653

Filed: March 20, 2000

Examiner: Mohamed, Abdel A.

Title: Method and Compositions for Treating Hyperlipidemia and Other Conditions

CERTIFICATE OF MAILING

I hereby certify under 37 C.F.R. 1.8(a) that this correspondence is being deposited with the United States Postal Service with sufficient postage as **first class mail** on the date indicated below and in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☒ If checked, two copies of this correspondence are enclosed.

Signature

Date of Deposit: January 30, 2004

Brian Morrill

Printed name of person mailing correspondence

1st SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
AND AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement is submitted:

- ☐ under 37 CFR 1.129(a), or
(First/Second submission after Final Rejection)
- ☐ under 37 CFR 1.97(b), or
(Within three months of filing national application; or date of entry of the national stage in international application; or before mailing date of first office action on the merits; whichever occurs last)
- ☒ under 37 CFR 1.97(c) together with either:
- ☐ a Statement under 37 CFR 1.97(e), as checked below, or
- ☒ a \$180.00 fee under 37 CFR 1.17(p), or
(After the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)
- ☐ under 37 CFR 1.97(d) together with:
- ☐ a Statement under 37 CFR 1.97(e), as checked below, and
- ☐ a Petition under 37 CFR 1.97(d)(2), and
- ☐ a \$130.00 petition fee set forth in 37 CFR 1.17(i).
(Filed after final action or notice of allowance, whichever occurs first, but before payment of the issue fee)
- ☐ Applicant requests that the attached IDS and cited reference(s) [] be placed in the application filewrapper.
(Filed after payment of issue fee)
- ☒ The listed nonpatent references were cited by the examiner or submitted by the applicant in a counter part European application.

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Statement Under 37 CFR 1.97(e)

- ☐ Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- ☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.
- ☒ Enclosed herewith is form PTO-1449, with copies of the ~~nonpatent~~ references noted thereon.
- ☐ Copies of the reference(s) noted on the enclosed form 1449 were previously cited by or submitted to the Patent and Trademark Office in connection with U.S. Application Serial No. [], from which the present application claims benefit under 35 U.S.C. § 120 (37 C.F.R. 1.98(d)).

Concise Explanation Requirement (non-English references):

- ☐ The "concise explanation" requirement for reference(s) [] under 37 CFR 1.98(a)(3) is satisfied by:
- ☐ the explanation provided on the attached sheet.
 - ☐ the explanation provided in the Specification.
 - ☐ submission of the enclosed International Search Report.
 - ☐ the enclosed English language abstracts.

It is requested that the information disclosed herein be made of record in this application, and that the references listed on the enclosed form PTO-1449 appear under the "References Cited" heading of any Patent which issues from this application, (MPEP 1302.12).

Method of payment:

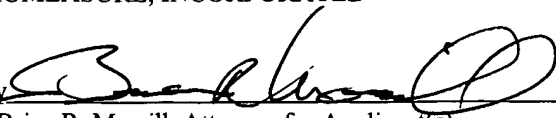
- ☐ A check for the fee noted above is enclosed, or the fee has been included in the check with the accompanying Reply.
- ☐ No fee is believed to be due for this submission. However Applicant(s) hereby authorize the Assistant Commissioner to charge any fees that may be deemed to be due or to credit any overpayment to Deposit Account No. 50-0590. Two copies of this Statement are enclosed.
- ☒ The Assistant Commissioner is hereby authorized to charge any deficiency in fees and credit any overpayment to Deposit Account 50-0590. Two copies of this Statement are enclosed.

Respectfully submitted,

BIOMEASURE, INCORPORATED

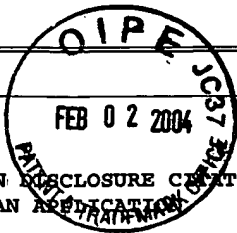
Dated: January 30, 2004

By


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DOC ID NO.:				Sheet 1 of 1			
PTO-1449 REPRODUCED FEB 02 2004 INFORMATION DISCLOSURE SECTION IN AN APPLICATION (Use several sheets if necessary)				ATTORNEY DOCKET NO. 00537/163002		APPLICATION NO. 09/423,683	
				APPLICANT CAWTHORNE, et al.			
				FILING DATE March 20, 2000		GROUP / EXAMINER 1653 / Mohamed, Abdel	
U.S. PATENT DOCUMENTS							
EXAM- INER INI- TIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIATE
	AA	5,708,135	1/13/1998	Coy, et al.			
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION YES NO
	AL	0 389 180 A1	9/26/1990	Europe			
	AM						
	AN						
	AO						
	AP						
	AQ						
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)							
	AR	Ginsberg, et al., "Effect of Somatostatin-induced Suppression of Postprndial Insulin Response upon the Hypertriglyceridemia Associated with a High Carbohydrate Diet," 1982, J. Clinical Invest. 70:1225-1233.					
	AS	Pointner, H., et al., "Somatostatin Inhibits the Increase of Serum Triglyceride Concentration Following a Test Meal," 1976, Scan. J. Gastroenterology 2:51.					
EXAMINER				DATE CONSIDERED			



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